

672

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

John David CRAIG

Defendant.

Magistrate Case No. _____

FILED
'08 MJ 1734
US JUN -3 AM 9:38

COMPLAINT FOR VIOLATION OF U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Title 8, U.S.C., Section

1324(a)(2)(B)(iii)-

Bringing in Illegal Alien(s)

Without Presentation

DEPUTY

Title 18, U.S.C. Section 1544

Misuse of Passport

The undersigned complainant being duly sworn states:


Count I

On or about **June 1, 2008**, within the Southern District of California, defendant **John David CRAIG**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an aliens, namely, **M. MEDRANO-Muniz, Briceida MUNIZ-Banuelos** and **Rigoberto A. POSADAS-Cruz**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **June 1, 2008**, within the Southern District of California, defendant **John David CRAIG**, did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting U.S. Passport number **427145167**, issued to **Kenneth Michael Van Arnem Jr.**, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not **Kenneth Michael Van Arnem Jr.**, that the passport was not issued or designed for his use. All in violation of Title 18, United States Code, Section 1544.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Alfredo Lopera, United States Customs
Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 3rd day of **June, 2008**


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complaint stated that **Luz M. MEDRANO-Muniz, Briceida MUNIZ-Banuelos and Rigoberto A. POSADAS-Cruz** citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material, that is impracticable to secure their attendance at the trial thereof by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On June 1, 2008, at approximately 10:00 PM, **John David CRAIG (Defendant)** applied for admission into the United States driving a black 2006 Nissan Altima at the San Ysidro Port of Entry. The vehicle was reported stolen in San Diego, California May 11, 2008. Defendant at the time of inspection presented a United States Passport bearing Defendants photo image with the name and biographical information of Kenneth Van Arnem Jr. to a Customs and Border Protection (CBP) Officer. Defendant advised the CBP Officer that the vehicle he was driving vehicle belonged to his friend. Upon further inspection of the vehicle, the CBP Officer discovered four people concealed in the trunk. Defendant and vehicle were referred to secondary, while in route Defendant admitted that the passport had been altered and was not the rightful owner of the passport he presented during primary inspection.

In secondary, Defendant's real identity was determined to be John David CRAIG. A CBP Officer removed four undocumented aliens from the trunk of the vehicle. All four undocumented aliens were determined to be citizens of Mexico with no documents to enter or reside in the United States. Three of the four undocumented aliens were held as material witnesses and are now identified as **Luz M. MEDRANO-Muniz (MW1), Briceida MUNIZ-Banuelos (MW2) and Rigoberto A. POSADAS-Cruz (MW3)**.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted that he made the smuggling arrangements with two individuals who he named as Jennifer and Carlos. Defendant admitted that Carlos provided him with the vehicle and the photo altered United States Passport. Defendant admitted knowledge that there were people concealed in the trunk of the vehicle. Defendant stated that he was going to drop off the vehicle at a gas station on "H" Street in Chula Vista, California. Defendant admitted that he was going to receive payment upon delivering the vehicle back to Carlos in Mexico. Defendant admitted that smuggling aliens was against the law. Defendant admitted he was not the rightful owner of the passport and that he had provided the smugglers with a photograph of himself to facilitate the altering of the passport.

Separate videotaped interviews were conducted with Material Witnesses (MW). MW1, MW2 and MW3 all admitted that they are citizens and natives of Mexico with no documents to lawfully enter or reside in the United States. Material Witnesses stated they were to pay a smuggling fee ranging from \$3200 to \$3900 USD once they arrived in the United States.